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Attorneys for Plaintiff CATHERINE BUI

2008 DEC 17 AM 10:32
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CATHERINE BUI, an individual,

Plaintiff,

vs.

ERICA L. BRACHFELD, A
PROFESSIONAL CORPORATION, a
California professional corporation;
ERICA LYNN BRACHFELD, an
individual; and DOES 1 through 10,
inclusive,

Defendants.

CV08-08.297SVW (FFMx)
CASE NO.:

COMPLAINT FOR

1) VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES
ACT;

2) VIOLATIONS OF THE
ROSENTHAL FAIR DEBT
COLLECTION PRACTICES ACT;

3) INTENTIONAL INFLECTION OF
EMOTIONAL DISTRESS;

4) UNLAWFUL BUSINESS
PRACTICES; AND

5) DECLARATORY RELIEF.

DEMAND FOR JURY TRIAL

I. JURISDICTION AND VENUE.

1. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d) and 28 U.S.C. §1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. §1367. Declaratory relief is available pursuant to 28 U.S.C. §2201 and 2202. Venue in this District is proper in that Plaintiff's claim arose in this District.

II. THE PARTIES.

2. The plaintiff CATHERINE BUI ("Plaintiff"), is a natural person who, at all times relevant herein, resided Los Angeles, which is located in Los Angeles County, California.

3. Upon information and belief, defendant ERICA L. BRACHFELD, A PROFESSIONAL CORPORATION (hereinafter "ELB"), a California professional corporation, had, at all times relevant to this complaint, its principal place of business located at 20300 S. Vermont Avenue, Suite 120, Torrance, California 90502. Upon information and belief, ERICA L. BRACHFELD ("BRACHFELD") was and is an individual residing in the County of Los Angeles, and at all times relevant herein was and is an attorney and the sole owner and officer of ELB.

4. The true names and capacities, whether individual, corporate, associate or otherwise, of the defendants sued herein as DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore sues such defendants by such fictitious names. Plaintiff will amend this complaint to show the true names and capacities of such defendants when they have been ascertained. Plaintiff is informed and believes that each of the defendants designated herein as a DOE was in some manner responsible for the occurrences and injuries alleged herein.

5. At all times mentioned herein, each of the defendants was the agent and employee of the other named defendants, and in doing the things alleged were acting within the course and scope of such agency and employment, and in doing the acts herein alleged were acting with the consent, permission and authorization of the remaining defendants. All actions of each of the defendants were ratified and approved by the other named defendants.

6. Defendants are debt collectors, as defined by the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

III. FACTUAL ALLEGATIONS.

7. Plaintiff, who is not a minor, obtained a credit card solely for personal, family and household use. Upon information and belief, the creditor turned over the account to defendant ELB and BRACHFELD to collect the debt from Plaintiff.

8. Within the past year, in attempting to collect the alleged debt from Plaintiff, ELB, BRACHFELD, and DOES 1-5, inclusive, communicated with Plaintiff orally. At no point did said defendants indicate in writing or orally that Plaintiff had a right to request verification of the debt, or that they were debt collectors, and that any information obtained from Plaintiff would be used for that purpose.

9. In their oral communications with Plaintiff within the past year, ELB, BRACHFELD and DOES 1-5, added to the amounts they attempted to collect from Plaintiff fees and penalties not expressly authorized by law or by any agreement with Plaintiff, and attempted to collect such unauthorized fees. Such fees amounted to unlawful interest under applicable Federal and state law.

10. In attempting to collect a debt from Plaintiff, ELB, BRACHFELD, and DOES 1-5, repeatedly contacted members of Plaintiff's family with whom Plaintiff did not reside and revealed information about the debt.

11. In attempting to collect the debt from Plaintiff, an employee of ELB identified himself to Plaintiff over the telephone as "Attorney General Edwards," and informed Plaintiff that he had prepared the paperwork necessary to commence legal action against her, and that if she did not make immediate arrangements to pay the debt, he would file the paperwork in court the next morning. These representations were false.

12. Terrified by the threats from "Attorney General Edwards," Plaintiff gave the individual her bank account information and authorized a series of debits from her bank account, which would be applied to the outstanding balance. Plaintiff subsequently confirmed this arrangement over the telephone with BRACHFELD. Subsequently, the individual identifying himself as "Attorney General Edwards" left

1 a message with Plaintiff's sister indicating that the payment arrangement was no
2 longer acceptable, and that Plaintiff would have to make new arrangements with
3 ELB. Upon information and belief, ELB's personnel pretended to accept the
4 arrangement in order to induce Plaintiff to divulge her bank account information to
5 ELB.

7 **FIRST CLAIM FOR RELIEF**

8 (For Violations of the FDCPA Against ELB, BRACHFELD, and DOES 1 through 5,
9 inclusive)

10 13. Plaintiff repeats and reincorporates by reference the paragraphs 1 through
11 12 above.

12 14. Defendants, and each of them, violated the FDCPA. Defendants'
13 violations include, but are not limited to, the following:

14 a) Failing to provide within 5 days of its first communication with Plaintiff
15 statutorily required language permitting Plaintiff the opportunity to verify the alleged
16 debt, in violation of 15 U.S.C. §1692g(a);

17 b) Using false representations and deceptive means to collect or attempt to
18 collect a debt, in violation of 15 U.S.C. §1692e(10);

19 c) Using unfair and/or unconscionable means to collect an alleged debt, in
20 violation of 15 U.S.C. §1692f;

21 d) Attempting to collect an amount (including any interest, fee, charge, or
22 expense incidental to the principal obligation) not expressly authorized by the
23 agreement creating the purported debt or permitted by law, in violation of 15 U.S.C.
24 §1992f(1);

25 e) Threatening legal action that was not intended, in violation of 15 U.S.C.
26 §1692e(5);

27 f) Failing to disclose in the initial communication with the consumer that the
28 debt collector was attempting to collect a debt and that any information obtained

1 will be used for that purpose; and failing to disclose in subsequent communications
2 that the communication is from a debt collector, in violation of 15 U.S.C.

3 §1692e(11); and

4 g) Communicating with third parties, in violation of 15 U.S.C. §1692(b).

5 15. As a result of the above violations of the FDCPA, Defendants, and each of
6 them, are liable to Plaintiff for declaratory judgment that defendants' conduct
7 violated the FDCPA, and Plaintiff's actual damages, statutory damages, costs and
8 attorney's fees.

10 SECOND CLAIM FOR RELIEF

11 (For Violations of the Rosenthal Act Against ELB, BRACHFELD, and DOES 1
12 through 5, inclusive)

13 16. Plaintiff repeats and reincorporates by reference the paragraphs 1 through
14 12 above.

15 17. Defendants, and each of them, knowingly and wilfully violated
16 California's Rosenthal Fair Debt Collection Practices Act (hereinafter the "Rosenthal
17 Act"). Defendants' violations include, but are not limited to, the following acts
18 performed in attempting to collect a consumer debt:

19 a) Representing that they were affiliated with a governmental agency, in
20 violation of Civil Code section 1788.13(d);

21 b) Falsely representing to the Plaintiff that a legal proceeding was about to be
22 instituted unless payment was made, in violation of 1788.13(j);

23 c) Communicating telephonically with Plaintiff with such frequency as to be
24 unreasonable and to constitute harassment in violation of Civil Code section
25 1788.11(e); and

26 d) Communicating with members of Plaintiff's family about the debt in
27 violation of Civil Code section 1788.12(b).

28 18. As a result of defendants' violations of the Rosenthal Act, pursuant to

1 Civil Code section 1788.30, Plaintiff is entitled to actual damages, statutory
2 damages, attorney's fees and costs.

3
4 **THIRD CAUSE OF ACTION**

5 (Intentional Infliction of Emotional Distress Against ELB, BRACHFELD, and
6 DOES 1 - 5, Inclusive)

7 19. Plaintiff realleges and incorporates by this reference paragraphs 1 through
8 12, above.

9 20. In engaging in the aforementioned conduct, defendants intended to and did
10 cause Plaintiff severe emotional distress.

11 21. Defendants' conduct was willful, wanton and oppressive, thus warranting
12 an award of punitive and/or exemplary damages against ELB, BRACHFELD, and
13 DOES 1 through 5, inclusive.

14
15 **FOURTH CAUSE OF ACTION**

16 (Federal, State, and Common Law Unlawful Business Practices Against ELB,
17 BRACHFELD, and DOES 1 - 5, Inclusive)

18 22. Plaintiff realleges and incorporates by this reference paragraphs 1 through
19 12, above.

20 23. Defendants' actions constitute unfair competition, including under
21 California state law (including Business and Professions Code §§17200 et seq.) and
22 common law.

23 24. Such actions taken by Defendants in violation of the law, and Plaintiff is
24 entitled to various remedies including preliminary and permanent injunctive relief.

25 25. Defendants' conduct, as alleged herein, is causing Plaintiff irreparable
26 harm, which cannot be adequately compensated or measured monetarily, and thus
27 should be permanently enjoined.

FIFTH CLAIM FOR RELIEF

(For Declaratory Relief Against ELB and DOES 1 through 5, inclusive)

26. Plaintiff repeats and reincorporates by reference the paragraphs 1 through 12 above.

27. An actual and existing controversy now exists between the parties hereto, in that Plaintiff contends that the actions of ELB, BRACHFELD, and DOES 1-5, inclusive, constituted willful violations of the Fair Debt Collection Practices Act and/or the Rosenthal Fair Debt Collection Practices Act, while conversely, those defendants contend that their actions are consistent with all applicable laws governing collection agencies.

28. A judicial declaration that the conduct of defendants ELB, BRACHFELD, and DOES 1-5 violated applicable statutes is now just and appropriate.

WHEREFORE, Plaintiff requests that judgment be entered in her favor against the defendants as follows:

1. Statutory damages, pursuant to 15 U.S.C. section 1692k(a)(2) and/or Civil Code section 1788.30(b);

2. Actual damages, pursuant to 15 U.S.C. section 1692k(a)(1) and/or Civil Code section 1788.30(a);

3. Costs and reasonable attorney's fees, pursuant to 15 U.S.C. section 1692k(a)(3), and/or Civil Code section 1788.30(c);

4. General damages, in an amount subject to proof at trial;

5. Punitive and/or exemplary damages;

6. Declaratory relief;

7. Injunctive relief; and

///

///

///

1 8. Such other and further relief as the Court deems just and proper.

2
3 PLEASE TAKE NOTICE that Plaintiff CATHERINE BUI requests a trial by
4 jury.

5
6 DATED: December 16, 2008

Respectfully submitted,

7
8 By: 

Aidan W. Butler
Attorney for Plaintiff
CATHERINE BUI

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Stephen V. Wilson and the assigned discovery Magistrate Judge is Frederick F. Mumm.

The case number on all documents filed with the Court should read as follows:

2:CV08- 8297 SVW (FFMx)

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Aidan W. Butler (SBN 208399)
 Attorney at Law
 3540 Wilshire Blvd. Suite 1030
 Los Angeles, CA 90010
 Tel. (213) 388-5168
 Fax (213) 388-5178

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

CATHERINE BUI, an individual,

PLAINTIFF(S)

v.

ERICA L. BRACHFELD, A PROFESSIONAL
 CORPORATION, a California professional
 corporation; (see attached)

DEFENDANT(S).

CASE NUMBER

CV08-08.297 SVW (FFMk)

SUMMONS

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Aidan W. Butler, whose address is 3540 Wilshire Blvd. Suite 1030, Los Angeles, CA 90010. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: DEC 17 2008

By: NATALIE LONGORIA



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

1198

ATTACHMENT TO SUMMONS (page 2 of 2) -

ADDITIONAL DEFENDANTS:

**ERICA LYNN BRACHFELD, an individual;
and DOES 1 through 10, inclusive,**

Defendants.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> CATHERINE BUI, an individual,	DEFENDANTS ERICA L. BRACHFELD, A PROFESSIONAL CORPORATION, a California professional corporation; ERICA LYNN BRACHFELD, an individual; and DOES 1 through 10, inclusive,
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Aidan W. Butler (SBN 208399) Attorney at Law 3540 Wilshire Blvd. Suite 1030, Los Angeles, CA 90010, (213) 388-5168	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF DEF</td> <td style="width:10%; text-align: center;"><input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td style="width:40%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; text-align: center;">PTF DEF</td> <td style="width:10%; text-align: center;"><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6	<input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4														
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6	<input type="checkbox"/> 6 <input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No
 MONEY DEMANDED IN COMPLAINT: \$ No amount specified

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 15 U.S.C. section 1692 et seq.; violations of the Fair Debt Collection Practices Act

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	OTHER PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (405(g)) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number:

CV08-08297

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ **Date:** Dec. 16, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))